DOCUMENT RESUME

ED 029 405 EC 003 498

By-Gibbons, Patrick

Ohio Laws for Special Education.

Ohio State Dept. of Education, Columbus. Div. of Special Education.
Pub Date Feb 68
Note-37p.
EDRS Price MF-$0.25 HC-$1.95
Descriptors-Administration, Admission Criteria, Educational Facilities, Educational Finance, *Exceptional Child Education, Gifted, *Handicapped Children, Home Instruction, Identification, School Attendance Laws, School Districts, School Superintendents, Special Classes, Special Schools, *State Legislation, *State Programs, Student Transportation, Teacher Qualifications, Teacher Salaries, Tuition
Identifiers-Ohio

Laws of Ohio dealing with special education for handicapped and gifted children are presented in the administrative areas of programs, school foundation program, attendance, and related laws. (LE)

ED029405

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OHIO LAWS

for Special Education

EC 003 478

State Department of Education
Columbus, Ohio

February, 1968

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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OHIO LAWS

for Special Education

Patrick Gibbons
Educational Consultant

MARTIN ESSEX
Superintendent of Public Instruction

Wayne M. Carle
Assistant Superintendent of Public Instruction

S. J. Bonham, Jr., Director
Division of Special Education
3201 Alberta Street, Columbus, Ohio 43204

February, 1968

FOREWORD

This handbook of the **Ohio Laws for Special Education** has been revised and published for a more convenient reference to laws pertaining to the area of handicapped children as related to special education in Ohio. All but one reference has been taken from Chapter 33 of the Revised Code entitled **Education — Libraries.**

The publication has been divided into four parts along with a Table of Contents listed under the following headings: I **Special Education Programs,** II **School Foundation Program,** III **Attendance,** and IV **Related Laws.**

Other publications from the Division of Special Education that may be helpful are:

— **School Administrator's Handbook for Special Education in Ohio's Schools**

— **State Board of Education Program Standards for Special Education Units, Individual Instructional Services, Legal Dismissal from School Attendance, and Transportation of Physically and Other Handicapped Children**

— **Handbook on School Attendance in Ohio**

Additional information can be obtained by contacting the Division of Special Education.

It is hoped that this publication will be a ready reference to the legal framework for special education programs in Ohio.

S. J. BONHAM, JR., Director
DIVISION OF SPECIAL EDUCATION

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PART I

SPECIAL EDUCATION PROGRAMS

Section 3323.01 CLASSES AND TRAINING OF TEACHERS FOR THE HANDICAPPED

The state board of education may grant permission to any board of education to establish and maintain classes for the instruction of deaf or blind persons over the age of three, and physically, emotionally, or mentally handicapped persons over the age of five; and to establish and maintain child study, counseling, adjustment, and special instructional services, including home instruction, for persons over the age of five whose learning is retarded, interrupted, or impaired by physical, emotional, or mental handicaps. The state board of education may, by written agreement with the board of trustees of any college or university, arrange with the teacher education department of such college or university for the classroom and in-service training of teachers for handicapped children.

Section 3323.02 INSPECTION OF CLASSES; STANDARD REQUIREMENTS; PROGRAMS FOR GIFTED CHILDREN

The state board of education shall select competent persons to inspect at least once a year all classes and to direct and supervise such other services established under section 3323.01 of the Revised Code, and to report concerning the instruction in such classes, the conditions under which they are maintained, the conditions under which any persons enrolled in such classes are boarded, and the extent and nature of all other services related to education affecting physically, emotionally, or mentally handicapped persons.

The state board of education shall prescribe standard requirements for day schools for the physically, emotionally, or mentally handicapped, and for other instruction and services for all types of handicapped persons included under section 3323.01 of the Revised Code, and for which persons any school district is entitled to state reimbursement, or aid. Such requirements shall include

the conditions under which such schools are conducted, or services are rendered, the methods of instruction, child study, counseling, adjustment, and supervision, the qualifications of teachers and the personnel in charge of child study and counseling, the conditions and terms under which they are employed, the special equipment and agencies for instruction provided, and the conditions of the rooms and buildings in which the schools are held. For the purpose of encouraging the development of special programs of education for academically gifted children the state board of education shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The state board of education may provide financial assistance out of any funds appropriated for this purpose to boards of education for developing and conducting experimental programs of education for academically gifted children.

Section 3323.03 DEFINITION OF HANDICAPPED

Any person of sound mind who, by reason of defective hearing or vision or by reason of being so crippled as to be physically unable to properly care for himself without assistance, cannot properly be educated in the public schools as other children, shall be considered deaf, blind, or crippled within the meaning of sections 3323.01 and 3323.08 of the Revised Code. Persons with partial hearing or partial vision may also be instructed under such sections and under section 3323.02 of the Revised Code.

Section 3323.04 ESTABLISHMENT PROPOSED BY PETITION

Upon petition by the parents or guardians of eight crippled children, or eight slow-learning children, in any school district, of the age named in section 3323.01 of the Revised Code, the board of education of such district shall apply to the state board of education for permission to establish a special class for such children, and if such is granted shall establish such class not later than the beginning of the following school year, upon standards prescribed under section 3323.02 of the Revised Code. If a board fails to perform its duty under this section, section 3313.85 of the Revised Code shall apply.

Section 3323.05 HOME INSTRUCTION OF CHILD

In case there are in any school district physically or emotion-

ally handicapped children not able even with the help of transportation to be assembled in a school, and instruction for these children is provided in the home, these children shall be counted under section 3323.08 of the Revised Code, counting, however, five hours of instruction of such children by a teacher provided by the board of education as equal to the attendance of one child for five days at school. Upon direction of the state board of education a board of education shall arrange for the home teaching of any such physically or emotionally handicapped children.

Section 3323.06 QUALIFICATIONS OF SPECIAL TEACHERS; TEACHING SYSTEM IN SCHOOLS FOR THE DEAF

Teachers in home instruction and special classes shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training and equipment as the state board of education or the board of education requires. The so-called oral system shall be taught by teachers in schools for the deaf. If, after a fair trial of nine months, any children in any school for the deaf are unable to learn such method, they may be taught the manual method in a separate school.

Section 3323.10 TUITION AND TRANSPORTATION FOR SPECIAL INSTRUCTION

If a child who is a school resident of one school district attends in another district, a class in which some special instruction needed by the child because of his handicap is provided, the board of education of the district in which such class is located may require the payment by the board of education of the district in which he is a school resident of a sum not to exceed the tuition in the district in which such class is located for a child of normal needs of the same school grade and the determination of the amount of such tuition shall be in the manner provided for by sections 3317.05 and 3317.08 of the Revised Code. The board of the district in which such child is a school resident may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the state board of education the board of the district in which such child resides shall pay for his transportation and the tuition.

Section 3323.11 EXCESS COST FOR SPECIAL INSTRUCTION OUTSIDE DISTRICT

Where a child who is a school resident of one school district attends in another district, a class in which some special instruction needed by the child because of his handicap is provided and the per capita cost of such instruction exceeds the sum of the per capita amount received by the district of attendance under Chapter 3317. of the Revised Code, and the per capita amount received from the state board of education, then the board of education of the district in which such child is a legal school resident may pay directly to the board of the school district that is providing the instruction such part of such excess cost as agreed upon in contracts entered into by the boards of the district concerned at the time the district operating the special class accepts the child for enrollment in the special class.

Section 3323.12 PAYMENT FOR BOARDING EXPENSES

The state board of education may arrange with any board of education which maintains a class for the instruction of blind, deaf, or crippled persons, or affords special instruction for such children who are not school residents of the district, to pay for the board of any such persons under such standards and with such restrictions as the state board of education prescribed.

Section 3317.08 TUITION FOR NONRESIDENT PUPILS; RESIDING IN UNTAXABLE AREAS

Pursuant to law, a pupil may attend school outside his district of school residence, and his board of education shall pay tuition in an amount not more than that which shall be computed from the total expenditures for conducting the schools of the district attended after deducting the amounts expended for capital outlay; permanent improvements; debt service; transportation; operation of school lunch rooms; tuition to another school district; operation of kindergarten classes; operation of summer schools, part-time schools, and evening schools; and maintenance of playgrounds. The result so obtained shall represent the operating cost to be recognized in the calculation of tuition rates. To the operating cost thus determined, there may be added depreciation charges not to exceed three per cent per annum, based on the actual cost to the district, plus the amount of private donations or grants but less the amount of any federal grants, of all property exclusive of land used in conducting such school. From the operating cost plus the

depreciation charge there shall be deducted the proceeds of all moneys apportioned to such district from state funds, exclusive of interest on the irreducible debt and income from school trust and land rental funds, and the remainder shall be divided by the number of pupils in average daily membership in grades one to twelve, inclusive, the average daily membership figures so used to be those certified pursuant to section 3317.03 of the Revised Code.

Attendance for any fractional part of a month shall be regarded as attendance for a full month, unless the annual session is terminated before the end of a full month.

The amount of tuition, computed as provided in this section, shall be certified by the clerk of the board of education of the district of attendance, to the board of education of the district in which the pupil is a school resident for its approval and payment. In the event that agreement as to the amount payable cannot be reached, or the board of education of the resident district refuses to pay said amount, the board of education of the district of attendance shall notify the superintendent of public instruction. The superintendent shall determine the correct amount and shall deduct the same from the amount of state funds, if any, allocated under Chapter 3317. of the Revised Code, to the district of school residence and add the same to the amount allocated to the district attended. The superintendent of public instruction shall send to said district of school residence an itemized statement showing such deductions at the time of such deduction.

When a political subdivision owns and operates an airport, welfare or penal institution or other project or facility outside its corporate limits and the territory within which the facility is located is exempt from taxation by the school district within which such territory is located, and there are school age children residing within such territory, the political subdivision owning such tax exempt territory shall pay tuition to the district in which such children attend school. The tuition for these children shall be computed as provided for in this section.

PART II

SCHOOL FOUNDATION PROGRAM

Section 3317.01 SCHOOL FOUNDATION PROGRAM; ADMINISTRATION

Chapter 3317. of the Revised Code shall be administered by the state board of education, with the approval of the controlling board. The superintendent of public instruction shall calculate the amounts payable to each district and shall certify the amounts payable to each eligible district to the clerk of the district as provided for in Chapter 3317. of the Revised Code.

There shall be appropriated to the state board of education by the general assembly out of any moneys in the state treasury to the credit of the general revenue fund sufficient moneys to meet the financial obligations of Chapter 3317. of the Revised Code, except that sufficient moneys to meet the financial obligations of section 3301.17 of the Revised Code shall be appropriated from funds available to the state from the United States or any agency or department thereof for a driver education course of instruction and from the driver education fund established in section 4501.07 of the Revised Code.

Moneys distributed pursuant to Chapter 3317. of the Revised Code shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed monthly unless otherwise provided for.

The amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year. Payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to reflect enrollment increases when such are at least three per cent and amount to one or more additional approved classroom units as determined pursuant to section 3317.05 of

the Revised Code. The payments authorized by Chapter 3317. of the Revised Code shall be made only to those school districts in which:

(A) Beginning January 1, 1969, the district has a current tax levy for school operations of at least seventeen and one-half mills, except that this requirement shall be waived by the superintendent of public instruction for one year if the district has had its total millage reduced below seventeen and one-half mills by action of the county budget commission, board of tax appeals, or county auditor. Operating levies for joint vocational school districts may be included in this seventeen and one-half mills qualification requirement.

(B) The school year next preceding the fiscal year for which such payments are authorized consisted of not less than one hundred eighty-two days during which the schools of the district were actually open for instruction, including such days, not exceeding two, for the professional meetings of teachers when such days occurred during a regular school week and the schools were not in session, except that this requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided the number of days the school was actually open for instruction with pupils in attendance is not less than one hundred seventy-five.

(C) The district has on file, and is paying in accordance with a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

(D) The total annual compensation paid to each certificated employee is at least equal to that paid such employee in the fiscal year 1967-1968 for performing the same or similar duties except when salaries of teachers or the number of teachers employed is reduced as provided for in sections 3319.12 and 3319.17 of the Revised Code.

Unless otherwise specified, "school district", for purposes of Chapter 3317. of the Revised Code, means city, exempted village, and local school district.

A school district, the board of education of which has not conformed with the law and the rules and regulations pursuant thereto, shall not participate in the distribution of funds authorized

by section 3317.02 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

Section 3317.02 CALCULATION OF PAYMENTS TO DISTRICTS

Payments to school districts shall be as provided in this section and in sections 3317.04 and 3317.06 of the Revised Code.

Out of the moneys appropriated by the general assembly for distribution pursuant to Chapter 3317. of the Revised Code for each fiscal year, each eligible school district shall be allocated the amount of money derived from the calculation in either division (A) or (B) following, whichever is greater, plus the amount in division (C).

(A) The amount derived by the following calculation of a classroom unit allowance to be the sum of:

(1) The sum of the minimum salaries calculated pursuant to section 3317.13 of the Revised Code for each certificated employee in the school district, provided that those certificated employees with the highest training level shall be counted first, those with the next highest training level, second, and so on, in descending order and provided that within the respective training levels teachers with the highest years of service shall be counted first, the next highest years of service second, and so on in descending order;

(2) Plus, under regulations approved by the state board of education, an additional salary allowance proportional to the length of the extended term of service for each certificated employee whose term of service in any year is extended beyond the terms of service of regular classroom teachers, provided the total distribution of funds by the state board of education for this purpose shall not exceed the amount included in said board's estimate of such school foundation program costs and appropriated thereto by the general assembly, or as approved by the state controlling board or the state emergency board;

(3) Plus thirteen per cent of the total approved salary allowance allocated to each district under the provisions of division (A) (1) of this section and the extended service salary allowance under the provisions of division (A) (2) of this section for the employers contribution to the

teacher's retirement fund and the cost of the certificated employee's sick leave;

(4) Plus two thousand four hundred twenty-five dollars multiplied by the total number of approved classroom units for salaries, sick leave, and the employer's retirement contributions for school employees not required to have a certificate issued pursuant to sections 3319.22 to 3319.31, inclusive, of the Revised Code, and for library, textbook and other educational supplies, and other current expenses;

(5) Plus the total approved transportation operating cost allocated to such district under section 3317.051 of the Revised Code;

(6) Minus an amount equal to seventeen and one-half mills multiplied by the total value of the district's tax duplicate as certified in accordance with section 3317.10 of the Revised Code.

(B) The amount derived by multiplying three thousand fifty dollars times the number of the districts approved classroom units.

(C) The amount derived by multiplying one thousand dollars times the number of vocational, deaf, blind, emotionally disturbed, crippled, or slow-learning units, counted pursuant to section 3317.05 of the Revised Code.

The total number of certificated employees for each school district used in the calculations of this section shall not exceed the number of approved classroom units for that school district, nor shall the number of such units used in said calculations exceed the number of such employees in that school district.

"Approved classroom units", as used in this section, means the number of classroom units determined in accordance with section 3317.05 of the Revised Code.

"Tax duplicate," as used in this section, means the tax duplicate of the district as certified by the department of taxation pursuant to section 3317.10 of the Revised Code.

All funds allocated to school districts under this section shall be used to pay current operating expenses only.

Section 3317.03 CERTIFICATION OF AVERAGE DAILY MEMBERSHIP FIGURES

The superintendent of schools in each county, city, and ex-

empted village school district shall, for the schools under his supervision, certify to the state board of education on or before the fifteenth day of October in each year the total average daily membership in regular day classes for the first full school week in the month of October for (1) kindergarten; (2) grades one through twelve in each school under his supervision; (3) the average daily membership in approved vocational units and in joint vocational school districts; **(4) average daily membership of all deaf, blind, emotionally disturbed, and crippled children in classes approved annually by the state board of education; and (5) the average daily membership in approved slow learning units. No child shall be counted more than once in the average daily membership of a school district.** The superintendent of each joint vocational school district shall similarly certify to the superintendent of public instruction the average daily membership for all classes in the joint vocational school, also indicating the school district of residence for each pupil.

In each school there shall be maintained a record of school membership which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those who are school residents of the school district in which the school is located and those who are attending the school in the capacity of tuition pupils pursuant to section 3327.04 of the Revised Code. Part-time pupils may be included on a pro rata basis, as defined by the superintendent of public instruction, as regular day class students in average daily membership. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of his entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school he shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any pupil who has graduated from the twelfth grade of a public high school or any pupil who is not a resident of the state or any pupil who has attained the age of twenty one years, except persons suffering from tuberculosis and receiving treatment in any approved state, county, district, or municipal tuberculosis hospital who have not graduated from the twelfth grade of a public high school, and except veterans of the armed services, whose attendance was interrupted before completing the recognized twelve year course of the public schools, by reason of induction or enlistment in the armed forces and who apply for re-enrollment in the public

school system of their residence not later than four years after termination of war or their honorable discharge. If any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, he shall not be included in such membership. For each school week, the aggregate days of membership for any school shall be determined by adding the total number of days of attendance for the days in session of all pupils lawfully in membership to the total number of days of absence for such pupils. The average daily membership figure shall then be determined by dividing the figure representing the aggregate days of membership by the number of days in session. For the purpose of this section, "number of days in session" is the total number of days the school was actually open for instruction.

If the total average daily membership in regular day classes for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, and such increase amounts to one or more additional approved classroom units as determined pursuant to section 3317.05 of the Revised Code, the superintendent of schools shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased membership in calculating or recalculating the amounts to be allocated in accordance with section 3317.02 of the Revised Code. In no event shall the superintendent use an increased membership certified to him after the fifteenth day of February.

Section 3317.04 MINIMUM LIMITS ON PAYMENTS TO DISTRICTS

The amount paid to school districts in each fiscal year pursuant to section 3317.02 of the Revised Code shall not be less than the following:

(A) In the case of a district created under section 3311.26 or 3311.37 of the Revised Code, the amount paid shall not be less, in any of the three succeeding fiscal years following the creation, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the creation.

(B) In the case of a school district which is transferred to another school district or districts, pursuant to section 3311.22, 3311.231 or 3311.38 of the Revised Code, the amount paid to the

district accepting the transferred territory shall not be less, in any of the three succeeding fiscal years following the transfer, than the sum of the amounts allocated to the districts separately in the year of the consummation of the transfer.

(C) In the case of any school district, the amount paid to the district in the fiscal year of distribution shall not be less than that paid in the preceding fiscal year, if in the calendar year ending the thirty-first day of December preceding the fiscal year of distribution, the county auditor completed reassessment of all real estate within his county and the revised valuations were entered on the tax list and duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, this minimum guarantee is applicable only during the year immediately following the reassessment.

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, the minimum guarantees prescribed by divisions (A) and (B) of this section shall not affect the amount of aid received by a school district for more than three consecutive years.

Section 3317.05 CALCULATION OF APPROVED CLASSROOM UNITS

The total number of approved classroom units for each school district shall be the sum of the following:

(A) The average daily membership for all kindergarten classes, as certified under section 3317.03 of the Revised Code, divided by sixty;

(B) The average daily membership in grades one through twelve, including seventy-five per cent of those enrolled in either vocational courses or a joint vocational school district, as certified under section 3317.03 of the Revised Code, divided by thirty;

(C) The number of vocational education classroom units or fraction thereof approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(D) The number of classroom units for deaf, blind, emotionally disturbed, or crippled children, or fraction thereof approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(E) The number of special education classroom units or fraction thereof including those for slow learners defined as children

with an intelligent quotient of at least fifty and not more than eighty and for speech handicapped children, and for child study services approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(F) The total number of classroom units determined in divisions (A) through (E) of this section divided by eight. These classroom units are included in recognition of the administrative, supervisory, and specialized personnel required in addition to the classroom teachers.

(G) The first fifty classroom units calculated in divisions (A) through (E) of this section divided by fifty and any classroom units in excess of fifty divided by one hundred. The classroom units determined in this manner for each city and exempted village school district shall be credited to that city or exempted village school district, while the classroom units calculated in this manner for each local school district shall be allotted to the county board of education of which that local district is a part. If a city or exempted village school district is allotted less than a full classroom unit under the provisions of this calculation, the state board of education may allocate such fractional unit to the board of education of the county school district of the county in which the city or ex empted village school district is located for the purpose of providing cooperative supervisory services.

All of the arithmetical calculations made under this section shall be carried to the second decimal place. **The total number of classroom units approved annually by the state board of education for vocational and special education shall not exceed the number of classroom units included in the state board of education's estimate of school foundation program cost and with appropriations thereto by the general assembly or as approved by the state controlling board or the state emergency board.**

Section 3317.051 DETERMINATION OF TRANSPORTATION OPERATING COSTS

The total amount of money approved for transportation operating costs for each school district, in which transportation of pupils is necessary, shall be determined on the basis of a formula adopted by the state board of education and in accordance with the rules and regulations prescribed by it to secure an efficient and economical program of pupil transportation. The number of pupils transported, the total number of miles traveled and other factors beyond the control of the board of education of each school district shall be

considered in the formulation of such rules and regulations and in the adoption and application of such formula in determining the amount of money to be included for pupil transportation in each district as a part of Chapter 3317. of the Revised Code. All rules, regulations, and formulas adopted by the state board of education as prescribed by this section shall be submitted to and approved by the state controlling board before the computed amounts for school transportation are included in calculating the school foundation program for each district. A district receiving a payment pursuant to division (B) of section 3317.02 of the Revised Code is not eligible for reimbursement for transportation operating costs or eligible for school bus purchase subsidy payment pursuant to section 3317.06 of the Revised Code.

Section 3317.06 DISTRIBUTION OF PAYMENTS FOR EDUCATIONAL PROGRAMS AND SPECIAL CIRCUMSTANCES

In addition to the moneys paid to eligible school districts pursuant to section 3317.02 of the Revised Code, there shall be distributed monthly, quarterly, or annually as may be determined by the state board of education, moneys, appropriated for Chapter 3317. of the Revised Code for the following education programs:

(A) **An amount for the approved cost of board and transportation required for physically or emotionally handicapped children attending regular or special education classes, the cost of teacher training contracted under section 3323.01 of the Revised Code, and the approved cost of home instruction for physically or emotionally handicapped children and special instructional services for physically or emotionally handicapped children. Such distribution shall be made on the basis of standards adopted by the state board of education.**

(B) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district to each district with one-teacher or two-teacher elementary schools, and to each county board of education. Such amounts shall be determined on the basis of standards adopted by the state board of education.

(C) An amount to each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. Such amounts shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for

subjects regularly offered by the school district providing the classes.

(D) An amount for each school district with guidance, testing, and counseling programs approved by the state board of education. The amount to be determined on the basis of standards adopted by the state board of education.

(E) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;

(F) An amount for each eligible school district for the improvement of the educational and cultural status of disadvantaged pupils, to be determined by the state board of education, but not to exceed an annual amount equal to one hundred dollars times the number of children ages five through seventeen residing in the school district who were receiving aid to dependent children during the month of December preceding the start of the fiscal year. No school district shall receive funds pursuant to this division unless the state board of education has approved a program designed and submitted by the school district. No school district shall receive funds pursuant to this division unless the district includes one hundred residents between five and seventeen years of age who are receiving aid to dependent children, or includes a number of such residents equal to five percent of the average daily membership of the school district as reported pursuant to section 3317.03 of the Revised Code, or both. The state board of education shall adopt rules and regulations implementing this subsidy.

(G) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount to be determined on the basis of standards adopted by the state board of education.

(H) **An amount to each school district as approved by the state department of education, to provide services and materials to pupils attending non-public schools within the school district for:** guidance, testing and counseling programs; **programs for the deaf, blind, emotionally disturbed, crippled and physically handicapped children;** audio and visual aids; **speech and hearing services;** remedial reading programs; educational television services; programs for the improvement of the education and cultural status of disadvantaged pupils, approved pursuant to division (F) of section 3317.06 of the Revised Code; and for programs of non-religious instruction other than basic classroom instruction. **Such services, materials or programs shall be provided for pupils attending non-**

public schools on the same basis as such services, materials and programs provided for pupils in the public schools of the district.

No later than December 1, 1967, the state department of education shall adopt guidelines and procedures under which such programs and services shall be provided.

No funds shall be distributed pursuant to this division prior to January 1, 1968, and total funds distributed pursuant to this division shall not exceed specific appropriations therefor.

(I) An amount pursuant to section 3301.17 of the Revised Code for conducting driver education courses at high schools for which the state board of education prescribes minimum standards;

(J) An amount to each school district with resident school age children enrolled in a school administered by a county board of mental retardation equal to twenty-five dollars times the number of such children. No funds shall be paid pursuant to this division prior to July 1, 1968.

The state board of education or any other board of education may provide for any resident of a district any educational service for which funds are made available to such board of education by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state of Ohio or any agency, department, or political subdivision thereof.

The emergency board, upon the declaration of an educational emergency by the governor, may upon application by the superintendent of public instruction authorize payments pursuant to section 127.01 to 127.05, inclusive, of the Revised Code to be made to any school district which (1) has an unexpected increase in enrollment resulting from the destruction of or the necessary closing of a school because of fire, flood, or other calamity, or (2) has a severe loss of local tax revenue for school purposes. The superintendent of public instruction shall apply for funds for any school district requesting such aid upon receipt of written evidence from the school district of (1) the enrollment increase along with an explanation of the school district or districts from which the increased enrollment has been received or (2) of the tax revenue loss sustained by the school district, depending upon the circumstances for which aid is requested.

Section 3317.15 APPROVED CLASSROOM UNITS AND STATE SUPPORT CALCULATIONS FORM

The form used to calculate the aid for each school district shall be as follows:

APPROVED CLASSROOM UNITS

	ADM	Legend	Divisor	No. of Units
1.	_____	Kindergarten (excluding ADM in lines 4 and 5)	60	_____
2.	_____	Grades 1—12 (excluding ADM in lines 3, 4, and 5, but including 75% of pupils enrolled in vocational courses or joint vocational school districts)		
3.	_____	Vocational units (approved units, only; under ADM insert 25% of pupils enrolled in vocational school districts	30	_____
4.	_____	Deaf, Blind, emotionally disturbed and crippled (approved units and actual ADM)		_____
5.	_____	Slow learning (approved units and actual ADM)		_____
6.		Speech and hearing (approved units)		_____
7.		Child Study (approved units)		_____
8.		TOTAL		_____
9.	_____	Adm. and Spec. Instruction Units line 8 ÷ 8		_____
10.	_____	Supervision (Line 8—first 50 units ÷ 50; units over 50 ÷ 100)		_____
11.	_____	Total ADM and Approved Classroom Units		_____
				_____

STATE SUPPORT CALCULATIONS

Certified Employees

	A. Number Employed	B. Calculation based on	Training	Minimum Salary	Experience Credit Cumulative Years	
12.	_____	_____	Master's Degree	$5,500 +	_____ x $250 (12 yrs.)	= $_____
13.	_____	_____	5 years without Masters	$5,200 +	_____ x $225 (11 yrs.)	= $_____
14.	_____	_____	Bachelor's Degree	$5,000 +	_____ x $200 (11 yrs.)	= $_____
15.	_____	_____	Less than Bachelor's	$4,300 +	_____ x $180 (10 yrs.)	= $_____
16.	_____	_____	Total alowance for Certified Salaries			= $_____

(16 B shall not exceed approved units on line 11 or number of certified employees on line 16A)

17.	Total dollars lines 16 x 13% for retirement and sick leave	= $_____
18.	Approved extended service $_____ + 13% $_____	= $_____
19.	Total Units line 16B x $2425 for classroom allowance	= $_____
20.	Transportation	= $_____
21.	Total (Lines 16, 17, 18, 19 and 20)	= $_____
22.	17½ Mills x tax valuation of $_____	= $_____
23.	Basic State Support (Line 21 minus 22 plus $1000 x units on lines 3, 4, and 5	— $_____
24.	Classroom units lines 16B x $3,050, plus $1000 x units in lines 3, 4, and 5	— $_____
25.	For 1967-68 and 1968-69 the amount that would be provided by the formula in effect in 1966-67 including any guarantees effective for each year respectively plus $600 x approved units (in 1967-68 use units based on 1966-67 formula; in 1968-69 use units on line 16B) plus $1000 x units in lines 3, 4, and 5	= $_____
26.	Other guarantees (specify)	= $_____
27.	Total State Support (Largest of Lines 23, 24, 25, and 26)	= $_____

PART III

ATTENDANCE

Section 3313.66 SUSPENSION OR EXPULSION

The superintendent of schools of a city or exempted village, the local superintendent of a local school district, or the principal of a public school may suspend a pupil from school for not more than ten days. Such superintendent or local superintendent may expel a pupil from school. Such superintendent, local superintendent, or principal shall within twenty-four hours after the time of expulsion or suspension, notify the parent or guardian of the child, and the clerk of the board of education in writing of such expulsion or suspension including the reasons therefor. The pupil or the parent, or guardian, or custodian of a pupil so expelled may appeal such action to the board of education at any meeting of the board of and shall be permitted to be heard against the expulsion. At the request of the pupil, or his parent, guardian, custodian, or attorney, the board may hold the hearing in executive session but may act upon the expulsion only at a public meeting. The board may, by a majority vote of its full membership, reinstate such pupil. No pupil shall be suspended or expelled from any school beyond the current semester.

Section 3321.01 COMPULSORY SCHOOL AGE

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13, inclusive, of the Revised Code. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which he resides. In 1967 and 1968, no child is eligible to be admitted to the first grade of a public school in a district in which all children are admitted to the first grade in August or September unless he is six years of age on or before the thirty-first day of October of the year of admittance unless the board of education by resolution designates an earlier date within the year of admittance or on or before the first day of a term or semester other than one beginning in August or Septem-

ber in school districts granting admittance at the beginning of such term or semester, except that in those school districts using, or obtaining, educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, such boards shall admit a child to the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. If the board of education has not established a standardized testing program for such school districts, the board shall designate the necessary standards and a testing program it will accept for the purpose of admitting a child to the first grade who fails to meet the age requirement. Each child who will be six years of age on or before the first day of January of the school year for which admission is requested shall be so tested upon the request of his parent or guardian.

Beginning in 1969, no child is eligible to be admitted to the first grade of a public school in a district in which all children are admitted to the first grade in August or September unless he is six years of age on or before the thirtieth day of September of the year of admittance, or on or before the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, except that in those school districts using or obtaining educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, the board shall admit a child to the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. Each child who will be six years of age on or before the first day of January of the school year for which admission is requested shall be so tested upon the request of his parent or guardian.

Section 3321.02 WHO AMENABLE TO COMPULSORY EDUCATION LAWS

Every child actually resident in the state shall be amenable to the laws relating to compulsory education, and neither he nor the person in charge of him shall be excused from the operation of said sections or the penalties under them on the ground that the child's residence is seasonal, that the parent of the child is a resident of another state, or that the child has attended school for the legal period in another state.

Section 3321.03 COMPULSORY SCHOOL ATTENDANCE

Except as provided in this section, the parent, guardian, or other person having the care of a child of compulsory school age which child has not been determined to be incapable of profiting substantially by further instruction shall cause such child to attend a school which conforms to the minimum standards prescribed by the state board of education for the full time the school attended is in session, or shall otherwise cause him to be instructed in accordance with law. Every child of compulsory school age who has not been determined to be incapable of profiting substantially by further instruction shall attend a school which conforms to the minimum standards prescribed by the state board of education until one of the following occurs:

(A) The child receives a diploma granted by the board of education or other governing authority indicating such child has successfully completed the high school curriculum.

(B) The child receives an age and schooling certificate as provided in section 3331.01 of the Revised Code.

(C) The child is excused from school under standards adopted by the state board of education pursuant to section 3321.04 of the Revised Code.

Section 3331.04 COMPULSORY ATTENDANCE

Every parent, guardian, or other person having charge of any child of compulsory school age who is not employed under an age and schooling certificate and who has not been determined to be incapable of profiting substantially by further instruction, must send such child to a school, which conforms to the minimum standards prescribed by the state baord of education, for the full time the school attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or within one week of the date on which the child begins to reside in the district or within one week after his withdrawal from employment.

Excuses from future attendance at or past absence from school may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of schools of the district in which the child resides may excuse him from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That his bodily or mental condition does not permit his attendance at school during such period;

(2) That he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or his parents, guardians, or other persons having him in charge may be proceeded against after due notice whether such excuse be recalled or not.

(B) The state board of education may adopt rules and regulations authorizing the superintendent of schools of the district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians.

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the city, exempted village, or county school district in which a public school is located or the governing authorities of a private or parochial school may in the rules and regulations governing the discipline of such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The state board of education may by rules and regulations prescribe conditions governing the issuance of excuses which shall be binding upon the authorities empowered to issue them.

Section 3321.05 DETERMINATION OF CAPACITY OF CHILD; RECORD; SUPERVISION OF INCAPABLE CHILDREN

A child of compulsory school age may be determined to be incapable of profiting substantially by further instruction.

The state board of education may prescribe standards and examinations or tests by which such capacity may be determined and prescribe and approve the agencies or individuals by which they shall be applied and conducted; but the capacity of a child to benefit substantially by further instruction shall be determined with reference to that available to the particular child in the public schools of the district in which he resides, and no child shall be determined to be incapable of profiting substantially by further instruction if the superintendent of public instruction, pursuant to board standards, finds that it is feasible to provide for him in such district, or elsewhere in the public school system, special classes or schools, departments of special instruction or individual intruction through or by which he might profit substantially, according to his mental capacity as so determined. In prescribing, formulating, applying, and giving such standards, examinations or tests, the state board of education may call for assistance and advice upon any other department or bureau of the state, or upon any appropriate department of any university supported wholly or partly from state appropriations.

The result of each examination or test made with the recommendation of the agency or individual conducting the same, shall be reported to the superintendent of public instruction, who, subject to board standards, may make the determination authorized in this section. If a child is determined to be incapable of profiting substantially by further instruction, such determination shall be certified by the superintendent of public instruction to the superintendent of schools of the district in which he resides, who shall place such child under the supervision of a visiting teacher or of an attendance officer, to be exercised as long as such child is of compulsory school age. The superintendent of public instruction shall keep a record of the names of all children so determined to be incapable of profiting substantially by further instruction and a like record of all such children residing in any school district shall be kept by the superintendent of schools of such district. Upon request of the parents, guardians, or persons having the care of such child whose residence has been changed to another school district the superintendent of schools shall forward a card showing the status of such child as so determined to the superintendent of schools of the district to which the child has been moved.

Any determination made under this section may be revoked by the state board of education for good cause shown.

A child determined to be incapable of profiting substantially by further instruction shall not hereafter be admitted to the public schools of the state while such determination remains in force.

PART IV

RELATED LAWS

Section 3313.55 SCHOOLS FOR TUBERCULAR PERSONS

The board of education of any school district may establish such special schools as it deems necessary for all persons who are afflicted with tuberculosis, and may cause all youth, within such district, so afflicted, to be excluded from the regular schools, and may provide for and pay from the school funds, the expense of transportation of such persons to and from such special schools. The board of any school district in which is located a state, district, county, or municipal hospital for children with tuberculosis or epilepsy or any public institution, except state institutions for the care and treatment of delinquent, unstable, or socially maladjusted children, shall make provision for the education of all educable children therein; except that in the event another school district within the same county or an adjoining county is the source of sixty per cent or more of the children in said hospital or institution, the board of that school district shall make provision for the education of all the children therein. In any case the board which provides the educational facilities shall be entitled to all moneys authorized for the attendance of pupils as provided in sections 3317.02 and 3317.06 of the Revised Code; and tuition as provided in section 3317.08 of the Revised Code; and such additional compensation as is provided for crippled children in sections 3323.01 and 3323.12, inclusive, of the Revised Code. Any board which provides the educational facilities for children in county or municipal institutions established for the care and treatment of children who are delinquent, unstable, or socially maladjusted shall not be entitled to any moneys provided for crippled children in sections 3323.01 to 3323.12, inclusive, of the Revised Code.

Section 3313.92 JOINT BUILDING PROJECTS, INCLUDING SCHOOLS FOR HANDICAPPED CHILDREN

(A) The boards of education of any two or more school districts may, subject to the approval of the superintendent of public instruction, enter into agreements for the joint or co-operative construction, acquisition, or improvement of any building,

structure, or facility benefiting the parties thereto, including, without limitation, schools and classrooms for the purpose of Chapter 3323. of the Revised Code, and for the management, operation, occupancy, use, maintenance, or repair thereof, or for the joint or co-operative participation in programs, projects, activities, or services in connection with such buildings, structures, or facilities.

(B) Any agreement entered into under authority of this section shall, where appropriate, provide for:

(1) The method by which the building, structure, or facility shall be constructed, acquired, or improved and by which it shall be managed, occupied, maintained, and repaired, and specifically a designation of one of the boards of education to take and have exclusive charge of any and all details of construction, acquisition, or improvement, including any advertising for bids and the award of any construction or improvement contract pursuant to the law applicable to such board of education;

(2) The manner in which the title to the buildings, structures, or facilities, including the sites and interests in real estate necessary therefor, is to be held by one or more of such boards of education;

(3) The management or administration of any such programs, projects, activities, services, or joint exercise of powers, which may include management or administration by one of said boards of education;

(4) The manner of apportionment or sharing of all of the costs, or specified classes of costs, including without limitation costs of planning, construction, acquisition, improvement, management, operation, maintenance, or repair of such buildings, structures, or facilities, or of planning and conducting such programs or projects, or obtaining such services, which apportionment or sharing may be based on fixed amounts, or on ratios or formulas, or effected through tuitions to be contributed by the parties or in such manner therein provided.

(C) Any agreement entered into under authority of this section may provide for:

(1) An orderly process for making determinations as to planning, execution, implementation, and operation, which may include provisions for a committee, board, or commission, and for representation thereon;

(2) Securing necessary personnel, including participation of teachers and other personnel from the respective school districts;

(3) Standards or conditions for the admission or participation of students and others, including students from other school districts;

(4) Conditions for admittance of other school districts to participation under the agreement;

(5) Fixing or establishing the method of determining special charges to be made for particular services or materials;

(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from the agreement, and the term of the agreement or an indefinite term;

(7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;

(8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections 3301.14, 3313.50, 3319.32 to 3319.37, inclusive, 3321.12, 3323.08, and 3323.13 of the Revised Code;

(9) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.

(D) For the purpose of paying or contributing its share under an agreement made under this section, a board of education may:

(1) Appropriate any moneys from its general fund, and from any other funds not otherwise restricted by law, including funds for permanent improvements of such board of education where the contribution is to be made toward the cost of permanent improvements under the agreement;

(2) Issue bonds, and notes in anticipation thereof, under sections 133.01 to 133.65, inclusive, and section 3311.20 of the Revised Code for any permanent improvement,

as defined in section 133.01 of the Revised Code, to be provided under such agreement;

(3) Levy taxes, and issue notes in anticipation thereof, under Chapters 3311. and 5705. of the Revised Code pertaining to such board of education, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current operating expenses required as the share of such board of education under such agreement;

(4) Contribute real and personal property for use under such agreement without necessity for competitive bidding on disposition of such property.

(E) Funds provided by the parties to an agreement entered into under this section, whether by appropriation, the levy of taxes, the issuance of bonds or notes, or otherwise, shall be transferred to and placed in a separate fund or funds of such participating board of education as is designated for such purpose under the agreement, shall be appropriated to and shall be applied for the purposes provided in such agreement, and shall be subject to audit and inspection and, pursuant to any determinations to be made as provided under such agreement, shall be deposited, invested and disbursed under the provisions of law applicable to the board of education in whose custody said funds are held; and the records and reports of such boards of education under Chapter 117. of the Revised Code with respect to said funds shall be sufficient without necessity for reports thereon by the other boards of education participating under such agreement.

(F) As used in this section, "construction, acquisition, or improvement of any building, structure, or facility" also includes acquisition of real estate and interests in real estate therefor, site improvements, and furniture, furnishings, and equipment therefor. Buildings, structures, or facilities constructed, acquired, or improved under this section may, subject to the agreement be used for any lawful purpose by each party so long as the use thereof is an authorized proper use for that party.

(G) Any agreement entered into under this section shall be subject to any laws hereafter enacted making express reference therein to this section and requiring the transfer of any functions exercised or properties held under such agreement to any public officer, board, or body heretofore or hereafter established, or requiring the termination of such agreement, or otherwise affecting the same.

(H) The powers granted in this section are supplementary to, and not in derogation of or restriction upon, all other powers of boards of education of school districts, and are to be liberally construed to permit the achievement of the objectives of this section and to permit the boards of education to take advantage of federal grant and loan programs, provided that the exercise of such powers shall be subject to such inspection and regulation as would be applicable if exercised under any other provision of the Revised Code.

Section 3319.01 APPOINTMENT AND DUTIES OF SUPERINTENDENT

The board of education in each county, city, and exempted village school district shall, at a regular meeting held not later than the first day of May of the calendar year in which the term of the superintendent expires, appoint a person possessed of the qualifications provided in this section, to act as superintendent of the public schools of the district, for a term not longer than five years beginning the first day of August and ending on the thirty-first day of July. Such superintendent is, at the expiration of his current term of employment, deemed re-employed for a term of one year at the same salary plus any increments that may be authorized by the board of education, unless such board, on or before the first day of March of the year in which his contract of employment expires, either re-employes the superintendent for a succeeding term or gives the superintendent written notice of its intention not to re-employ him. If the superintendent is employed on a continuing contract, the board may, by resolution, designate that he is to continue for a term not to exceed five years, and he may not be transferred to any other position during such term. If a vacancy occurs in the office of superintendent during the term of his employment, the board promptly shall appoint a superintendent for a term not to exceed five years from the next preceding first day of August.

The board of education may at any regular meeting held during the calendar year immediately preceding the year of expiration of the term of employment of a superintendent of the public schools, re-employ such superintendent for a succeeding term for not longer than five years, beginning on the first day of August immediately following the expiration of his current term of employment and ending on the thirty-first day of July of the year in which such succeeding term expires. No person shall be

appointed to the office of superintendent who is not possessed of a certificate of the superintendent type, as defined in section 3319.22 of the Revised Code, unless such person had been employed as a county, city, or exempted village superintendent prior to August 1, 1939. At the time of making such appointment or designation of term, such board shall fix the compensation of the superintendent, which may be increased or decreased during such term, provided such decrease is a part of a uniform plan affecting salaries of all employees of the district, and shall execute a written contract of employment with such superintendent.

Such superintendent shall be the executive officer for the board, direct and assign teachers and other employees of the schools under his supervision, except as provided in section 3319.04 of the Revised Code, assign the pupils of the schools under his supervision to the proper schools and grades, provided that the assignment of a pupil to a school outside of his district of residence is approved by the board of the district of residence of such pupil, and perform such other duties as the board determines.

Section 3325.01 SUPERVISION OF STATE SCHOOLS; APPOINTMENT OF SUPERINTENDENTS

The state school for the deaf and the state school for the blind shall be under the control and supervision of the state board of education. On the recommendation of the superintendent of public instruction, the state board of education shall appoint a superintendent for the state school for the deaf and a superintendent for the state school for the blind, each of whom shall serve at the pleasure of the state board.

Section 3325.011 ADMISSION TO SCHOOL FOR THE DEAF; EXPENSES PAID FOR BLIND AND DEAF CHILDREN

Subject to the regulations adopted by the state board of education, the state school for the deaf shall be open to receive persons who are deaf, partially deaf, and both blind and deaf residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the deaf, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school. The superintendent of the school for the deaf may pay the expenses necessary for the

instruction of children who are both blind and deaf, who are resident of this state, in any suitable institution.

Section 3325.02 ADMISSION TO SCHOOL FOR THE BLIND

Subject to the regulations adopted by the state board of education, the state school for the blind shall be open to receive such blind and partially blind persons, residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the blind, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school.

Section 3325.03 RETURN OF PUPIL TO PARENTS

The superintendent of the state school for the deaf or the superintendent of the state school for the blind may return to its parents, guardian, or proper agency any pupil under his jurisdiction, who, in the opinion of such superintendent and the superintendent of public instruction, is not making sufficient progress in its school or industrial work to justify its continuance as a pupil in such school.

Section 5127.05 DUTIES OF THE COUNTY BOARD OF MENTAL RETARDATION

The county board of mental retardation which during the school year has administered and supervised, pursuant to the provisions of section 5127.01 of the Revised Code, a training center for mentally deficient shall prepare a statement for each person under twenty-one years of age who has received such training, such statement to show the name of the person, the name of the school district in which the person is a school resident, the name of the board providing the training, and the number of months the person received training. Not later than the thirtieth day of June the board shall forward a certified copy of such statement to the clerk of the board of education of the school district in which the person is a school resident and shall forward a certified copy of such statement to the commissioner of mental hygiene. Within thirty days after the recipt of such statement the board of education shall pay to the county board of mental retardation submitting the statement an amount equal to the

computed amount of tuition that would be due the school district receiving the statement if a nonresident pupil attending the schools of such district for the same period of time that the mentally deficient person attended the training center, such amount to be computed in the manner prescribed by Section 3317.08 of the Revised Code.